



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,683	07/15/2003	Norihiro Edwin Aoki	AOL0080	9636

22862 7590 04/09/2007
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
----------	--------------

2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/620,683

Applicant(s)

AOKI, NORIHIRO EDWIN

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/03, 8/30/04</u> | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2152

DETAILED ACTION

- 1> Claims 1-24 are presented for examination.
- 2> This is a non-final rejection.

Claim Objections

- 3> Claim 5 is objected to because of the following informalities: it is labeled as claim 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 4> Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 is directed to a single apparatus that comprises a messaging client, an automated agent and a backend system. Applicant's specification does not support the claimed composition of the various components into a single apparatus. For example,

Art Unit: 2152

Applicant's figure 1 illustrates each of the messaging client, the automated agent and the backend system implemented separately from one another and not in the same device.

Most tellingly, Applicant's specification recites that the invention is directed towards an apparatus for providing means for interfacing the messaging system 140 with an online calendar system 160 through the use of a calendar bot agent 170 [Applicant's specification, pg. 6 «lines 15-18»]. The messaging system 140 comprises a messaging client, a messaging server and network that combines them [Applicant's specification, pg. 5 «lines 18-24»]. Based on this disclosure, one of ordinary skill in the art would have reasonably inferred that the messaging client or the backend system (here, the calendar system) are not part of the same apparatus as claimed in claim 1.

Nothing in the specification expressly discusses a single apparatus that includes the messaging client, the automated agent and the backend system. One of ordinary skill in the art would have inferred the opposite based on a fair and reasonable reading of Applicant's specification. Therefore, the specification does not support the arrangement of the messaging components as they are claimed in claim 1. Claims 2-12 are rejected based on their dependency on deficient claim 1.

5> For this action, claim 1 will be interpreted in a manner that is consistent with Applicant's specification as illustrated in Figure 1 and discussed at pages 5-7.

Art Unit: 2152

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6> Claims 1-5, 7-17 and 19-24 are rejected under 35 U.S.C §102(e) as being anticipated by Lagarde et al, U.S Patent Publication No. 2003|0093480 ["Lagarde"].

7> As to claim 1, Lagarde discloses an apparatus for manipulating data in a backend system using an automated agent [Figure 1 «item 106»], said apparatus comprising:

a messaging client for exchanging messages over a network with a messaging server [Figure 1 «item 102» | 0040, 0043];

said automated agent, wherein said automated agent is coupled to said messaging server [Figure 1 «items 106, 108, 122» where : Lagarde's bot (in the bot server) is analogous to the claimed automated agent. The bot is coupled to the messaging server 122 through network 108| Figure 2 «item 210» | 0043]; and

said backend system, wherein said backend system is coupled to said automated agent [Figure 1 «items 106, 118, 110» where : Lagarde's bot is coupled to the third party system 110 through network 118| 0046»].

8> As to claim 2, Lagarde discloses said automated agent is capable of accepting requests and issuing responses [0052 where : the bot receives requests from client in the form of a instant messaging and issues responses based on the request].

9> As to claim 3, Lagarde discloses said automated agent obtains and uses input data from a plurality of other entities coupled to said messaging server for helping to determine said manipulation of data [0084-0105 where : the bot obtains parses input data to determine the kind of information to retrieve from the backend server].

10> As to claim 4, Lagarde discloses said automated agent initiates messaging communications to said plurality of other entities and mediates a discussion related to said input data [0084-0105].

11> As to claim 5, Lagarde discloses said automated agent appears as a buddy on a buddy list [Figure 5].

12> As to claim 7, Lagarde discloses said automated agent is capable of responding with any of, but not limited to: information, confirmation, availability, and a request for additional information [0084-0105].

Art Unit: 2152

13> With respect to claim 8, the Office interprets the transitional phrase “any of” as requiring a teaching of at least one of the four limitations but not all of them. That is, as long as a prior art teaches at least one of the four limitations for exchanging messages, then the prior art reads on the claim. Thus, as to claim 8, Lagarde discloses said messaging client exchanges messages via said network with said messaging server by two-way messaging in real-time and instant messaging systems in two-way in real-time [0007].

14> As to claim 9, Lagarde discloses said automated agent received messages passed from said messaging server and parses said messages [0085].

15> As to claim 10, Lagarde discloses said backend system maintains informational data of said messaging client, and said messaging client is capable of accessing said information data directly [0046].

16> As to claim 11, Lagarde discloses said messaging client engages in a dialog with said automated agent [0084-0105].

17> Similarly to claim 8, claim 12 contains the transitional phrase “any of.” This phrase is interpreted as requiring at least one of the listed limitations. As to claim 12, Lagarde discloses said automated agent performs asking a series of questions to said messaging client to determine intent [0084-0105].

Art Unit: 2152

18> As to claims 13-17 and 19-24, as they do not teach or further define over previously claimed limitations, they are rejected for at least the same reasons set forth for claims 1-5 and 6-12, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19> Claims 6 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lagarde, in view of Zircher et al, U.S Patent No. 7,139,798 ["Zircher"].

20> As to claim 6, Lagarde does not expressly disclose that the automated agent initiates messaging communications to prospective meeting attendees and mediates a discussion related to said meeting.

21> In the same field of invention, Zircher is directed to a system that enables collaboration through private shared spaces. The system relies upon bots (automated agents) to facilitate the shared spaces [abstract]. The bots respond to and initiate instant messages to potential collaborators that invite the collaborators to shared spaces [column 9 «line 42» to column 10 «line 5»].

Art Unit: 2152

Zircher discloses that the automated agent initiates messaging communications to prospective meeting attendees and mediates a discussion related to said meeting [column 9 «line 42» to column 10 «line 5» | column 19 «lines 32-46» where : a bot an automatically invite users to a shared space (meeting) and mediates a discussion with the invited user || column 3 «lines 20-32» | column 20 «lines 17-31» where : bots can be instantiated with specific functions such as assisting in scheduling meetings]. It would have been obvious to one of ordinary skill in the art to modify Lagarde's bots to incorporate the functionality of Zircher's bots. One would have been motivated to perform such a modification because the functionality exhibited in Zircher's bots would improve upon Lagarde's invention by increasing the functionality of Lagarde's bots, including enabling collaboration among users in a shared spaces, scheduling meetings or calendar functions [column 19 «lines 32-46» | column 20 «lines 17-31»].

22> As to claim 18, as it does not teach or further define over previously claimed limitations, it is rejected for at least the same reasons set forth for claim 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Leber et al, U.S Patent Publication No. 2003|0182391;

Moore et al, U.S Patent Publication No. 2003|0187800;

Alexander et al, U.S Patent No. 6.640.230;

Art Unit: 2152

Montet et al, U.S Patent Publication No. 2003|0220972;

Lee et al, U.S Patent Publication No. 2003|0233265;

Bearman, U.S Patent Publication No. 2004|0260820;

Kay et al, U.S Patent No. 7,146,404.

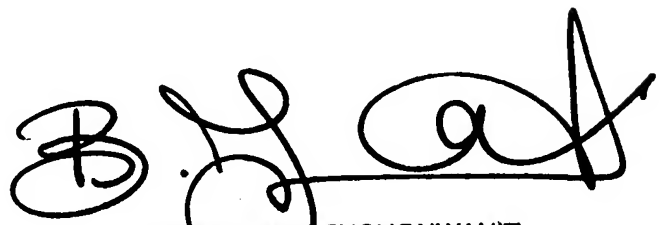
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



BUNJOB JAROENCHONWANIT
SUPERVISOR, PATENT EXAMINER